IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17031 of 2004

Between:

1. I. Shailaja D/o. I. Ramadas, Primary School Nagaram of Lingala Ghanpur Mandal, Warangal District.

..... PETITIONER

AND

1. The Chief Executive Officer, Z.P., Warangal.
2. The Mandal Parishad Development Officer, M.P., Lingala Ghanpur, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more in the nature of Certiorari calling for the records relating to the Order of the Administrative Tribunal in O.A.No.7224 of 1999, dt. 2.9.2004 and the connected Proc.Rc.No.C3-6158/99, dt. 25.11.1999 issued by the Chief Executive Officer, Z.P. Warangal and quash the same and hold that the petitioner is entitled to continue as S.G.T. in Primary School, Nagaram, Lingala Ghanpur Mandal of Warangala Distriact with all consequential benefits.

Counsel for the Petitioner:MR.D.LINGA RAO

Counsel for the Respondents.: GP FOR SERVICES II

The Court at the stage of admission made the following :

ORAL ORDER:

(Per The Hon'ble Sri Justice Goda Raghuram)

By the proceedings dated 25-11-1999 of the 1st respondent, the petitioner, who was working as a Secondary Grade Teacher, Primary School Nagaram of M.P. Parvathagiri was transferred and posted to the Primary School of M.P. Lingalaghanpur. Along with the petitioner, ten other teachers were similarly transferred from the place where they were working to other places. The petitioner questioned the order of the 1st respondent dated 25-11-1999 in O.A.No.7224 of 1999, before the A.P.Administrative Tribunal alleging that the order was irregular and vitiated by *mala fides.* An interim order was issued by the Tribunal on 06-12-1999 thereby interdicting the posting of the petitioner to Lingalaghanpur and the petitioner thus continued to work at Parvathagiri. The O.A. was rejected by order dated 02-09-2004. Rejecting the petitioner's contentions, the Tribunal concluded that the earlier posting of the petitioner and other teachers was irregular and contrary to the ban orders in G.O.Ms.No.205, Education, dated 06-07-1995 and on realization of the irregularity, the District Collector ordered cancellation of the earlier postings. Consequently, on the instructions of the District Collector, the 1st respondent cancelled the earlier transfer orders and posted them to other places.

Challenging the dismissal of the O.A., the writ petition is filed. Regardless of the validity of the order of the 1st respondent dated 25-11-1999, the challenge to which was rejected by the Tribunal by dismissal of the O.A., the fact of the matter is that the petitioner successfully continued at Paravathagiri, from where he was transferred by the order dated 25-11-1999, for nearly 5 years by virtue of the interim orders of the Tribunal. The petitioner can neither claim nor is entitled to a permanent stay at Parvathagiri, since no such legal right accrues to him. Even otherwise, transfer is an incident of service. N o *mala fides,* extraneous considerations or inherent lack of jurisdiction of the 1st respondent is demonstrated before this Court.

On the analysis above, the writ petition is without merits. Accordingly, the writ petition is dismissed at the stage of admission. No costs.

J.Chelameswar, J

Goda Raghuram, J

08th October, 2004.

Mrk

To

1. The Registrar, A.P. Administrative Tribunal, Hyderabad.

2. Chief Executive Officer, Z.P., Warangal.

3. The Mandal Parishad Development Officer, M.P., Lingala Ghanpur, Warangal District.

4. Two CCs to the G.P. for Services-II, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.